

**PUBLIC DEFENDER COMMISSION  
MINUTES**

**July 31, 2006**

Miles Community College  
2715 Dickinson  
Miles City, MT 59301

**(Approved as corrected at the August 31, 2006 Commission meeting)**

**Call to Order**

The Public Defender commission meeting was called to order by Chairman Jim Taylor.

**Commissioners Present**

Betty Bichsel, Edgar; Dan Donovan, Great Falls; Stephen Nardi, Kalispell; Wendy Holton, Helena (via videoconference); Mike Sherwood, Missoula; Caroline Fleming, Miles City; Tara Veazey, Helena (via videoconference); Jennifer Hensley, Butte; Doug Kaercher, Havre; Ivan Small, Poplar; and James Park Taylor, Missoula.

**Commissioners Absent**

None

**Other Interested Parties**

Scott Crichton, Executive Director, American Civil Liberties Union; Don Kinman, Executive Director, American Federation of State, County and Municipal Employees; Kerry Newcomer, Office of the State Public Defender Conflicts Coordinator

**Approval of June 30, 2006 Minutes**

The following corrections were made to the minutes:

Page 1—Commissioner Donovan was absent from the meeting.

Page 3, paragraph 6—“Carolyn” is Commissioner Fleming.

Page 4, paragraphs 2, 3 and 4—correct the spelling of Judge Haynes’ name.

Page 5, paragraph 1—correct spelling of Westlaw and Lexis.

Page 7, paragraph 3—change “contact” to contract.

Page 10, paragraph 3—change “you guys” to contract attorneys.

Page 33, paragraph 2—Commissioner Veazey, not Commissioner Hensley, will be a member of the Committee on Research.

Page 34, paragraph 2—Commissioner Veazey, not Commissioner Hensley, made the statement.

Page 34, paragraph 3—change “sample issue” to agenda.

Commissioner Nardi moved to approve the minutes as corrected. Commissioner Bichsel seconded the motion. Motion carried.

**Introductions**

Chairman Taylor introduced the newest member of the commission, Commissioner Ivan Small. Commissioner Small is superintendent of schools in Poplar.

**Standards Discussion**

*Training Standard*

Contract Manager Larry Murphy, Training Coordinator Eric Olson, and Chief Public Defender Randi Hood developed the proposed training standard (exhibit 1), which identifies ways to demonstrate

proficiency in different fields of practice. This proposal doesn't relate to the requirement of 20 hours of ongoing training, but is meant to assure competency without placing a burden on attorneys who demonstrate proficiency in certain fields. It's estimated that 120 contract attorneys and 90 FTEs would go through the process, and this could easily be done in the seven months before the standards go into effect.

A question was raised regarding whether the training offered by the federal defender system, which is State Bar-approved CLE, would count towards the 20 hours of annual training required in the standards. Since awareness of collateral federal consequences is a required competency, it makes sense to accept these hours. The Commission is comfortable accepting the annual day-long training session, and any other training that the federal system presents can be submitted to the Commission for review and possible acceptance towards meeting the 20 hour requirement. Commissioner Sherwood will inform Chief Federal Defender Tony Gallagher of the decision, with a copy to Mr. Olson.

Suggestions were made to improve the language in section d., fields of practice. When the corrections are made, it can go on the website for public comment, and then move to the action agenda for the next meeting.

#### *Other Standards Issues*

The Sentence Review Standards (exhibit 2) were not adopted with the rest of the standards in June because they were inadvertently omitted. They will be adopted at this meeting.

Hiring a law student to compile, format and edit the standards was discussed. It will require someone who is available through March. Commissioner Donovan moved to leave it up to the chair to hire this person and determine appropriate compensation. Commissioner Hensley favors soliciting free services. The motion carried with Commissioner Hensley opposed. Commissioner Holton and Commissioner Veazey were en route to the Courthouse and weren't present for the vote.

Chairman Taylor asked if we received anything in writing when we received the opinion from the Department of Administration regarding rulemaking to adopt standards. We did not, and Chairman Taylor asked that we obtain a written opinion.

Commissioner Sherwood asked if it is true that contract attorneys don't need any errors and omissions (E & O) insurance. That is the current understanding. Commissioner Sherwood is uncomfortable with that, and asked that someone from state risk management come and discuss it with the Commission. Commissioner Sherwood would like contractors to carry E & O insurance that would indemnify the state and the Commission. Chief Hood will ask someone from risk management to address these concerns.

In Billings, attorneys say that the requirement to meet with a client within three days of their appointment is problematical. Sometimes their clients are arraigned in two days. Chief Hood is trying to help them improve the system there. The three days isn't a problem anywhere else. This is something that should be reviewed as we get closer to having the standards implemented. We may want to change the standard to include a provision that if there is less than three days between appointment and arraignment, the attorney will enter a not guilty plea.

Another question, not directly related to standards, may require a clarification of policy. We have been routinely referring to representing the "mother" in dependent neglect cases, but in reality we

represent the custodial parent, without discrimination on the basis of sex. No language change is required in the standard.

Chief Hood commented on the standard relating to the number of cases public defenders should handle per year. The standard refers to number of cases, but workload is more important than raw numbers. Right now people have the ability to say they have too many cases, and this is already a problem for the managing attorneys. Chief Hood would like to gather some additional information including looking at how other states manage workload, so that we can define the workload differently, rather than just with a number.

Commissioner Sherwood asked if commissioners are specifically prohibited by statute from handling cases. They are indeed prohibited. Commissioner Hensley asked if anyone knew why. The reasoning is that it would give at least the appearance of a conflict since even contract attorneys are supervised by the Office, which is supervised by the Commission. There was discussion about changing the law during the next session, since some commissioners see prohibiting some of the best criminal defense attorneys in the state from practicing as an inadequacy of the act. Not all Commission members agreed.

### **Election of Commission Officers, Discussion**

The Chair and Vice Chair are elected for one-year terms, so their current terms are expiring. Chairman Taylor is happy to continue for another year since he has the time, but anyone else is welcome to take over. Commissioner Nardi will also stay on if no one else wants the Vice Chair position.

### **Public Comment**

Kerry Newcomer, whose background is in family law, offered comment in reference to the dependent and neglect standards, and OPD representing the “custodial parent.” Mr. Newcomer said that “custody” is an obsolete term for most purposes, so you don’t want that language in the standards, or to tie the standard to “custody” language even in policy or practice. The new term is “parenting plan,” but by design that doesn’t designate a legal custody status. Chief Hood will work on language to define who it is we work with in light of the current statutory framework.

There was no additional public comment.

### **Reports**

#### *Chief Public Defender Report*

During the first month of operations the primary issue, as anticipated, has been dealing with the courts. The response was varied, but the launch went without a hitch in the vast majority of courts. Some locations did not go quite as smoothly as hoped. The situation in Polson generated a newspaper article when two judges appointed public defenders but failed to notify us. The situation has been resolved and things are going well now. Some judges simply refuse to do the paperwork to notify us, so in those locations the regional people are working to make sure that we are informed by having someone in the courtroom.

All of the public defender offices are up and running, but all are somewhat stressed. Not a single one was fully staffed as of July 1, due to vacations and other work obligations. Many offices are in temporary locations, but they are meeting the challenge.

Chief Hood was asked to comment on the newspaper story regarding Gary Quigg, a parolee hired by the Billings regional office as an administrative assistant. Chief Hood said that he was by far the

most qualified applicant, and that she is working with the Department of Corrections to address their concerns regarding confidentiality and potential contact with inmates. These are requirements that would apply to anyone working in the office (not using office stationery for personal correspondence for example).

Mr. Murphy continues to do good work recruiting contract attorneys. The general feedback is that the regional people have plenty of contract attorneys available, although there is a problem in Thompson Falls due to its remote location.

The office has been calling courts around the state to get feedback on how things are going. So far, it's about 95% positive. We are addressing the issues that have been identified through the calls.

#### *Training Coordinator Update (Chief Hood)*

The first annual public defender conference was in Bozeman earlier this month. Approximately 145 people attended—the training was mandatory for all employees, and contract attorneys were invited as well. Mr. Olson arranged for outstanding speakers, all of the sessions were well-attended, and the response was very good.

Training for investigators will occur in late August, with the chief investigator from the Colorado system assisting. In October, attorneys with limited experience will be invited to “boot camp” to help them get quickly up to speed. So far 14 new attorneys have been invited to this two-and-a-half day, hands-on session. Mr. Olson is working on developing alternative delivery methods for some training, such as by CD.

Office of the State Public Defender staff Bonnie Anderson, Sandra Law, Barb Kain, Carleen Henderson and Heidi Henry provided training for administrative staff throughout the state recently, with the exception of the Great Falls area.

Chairman Taylor's question regarding the use of streaming video for training will be addressed to Teri Heiland, IT Manager.

#### *Legislative Report—Harry Freebourn*

On June 9, Chief Hood and Administrative Director Harry Freebourn attended a meeting of the Legislative Finance Committee (LFC). There were several action items identified at that meeting, and the response will be forthcoming. There was also a joint Law and Justice Interim Committee meeting in Butte on June 30, 2006, which provided an opportunity to give people a much more thorough understanding of our mission. The next Law and Justice Interim Committee meeting is August 31, and they have an agenda item for a system and financial update from Chairman Taylor, Chief Hood and Mr. Freebourn. Chairman Taylor recommends that the next Public Defender Commission meeting be held on the same day, so that the entire Commission can attend the presentation.

October 12 and/or 13 is the next Legislative Finance Committee meeting, and the recommendation is to hold a meeting of the Public Defender Commission in conjunction with that, too. The LFC will want a financial report at that time. Commissioners are invited to participate during the public comment portion of the meeting, so that the LFC can hear directly from the commissioners.

Mr. Freebourn explained the letter to the LFC regarding “Fiscal Year Transfer Supplemental Appropriation for Public Defender Costs” (exhibit 3). Our original arrangement with our parent agency, the Department of Administration, to buy servers, computers and phone systems in

preparation for our start-up, and to bill us for those expenses in FY 07, was deemed inappropriate by the Legislative Auditor just before the FY 06 books were closed. Instead, those costs were covered by shifting funding from FY 07 to FY 06 at a conference call meeting of the LFC on July 21. Mr. Freebourn appreciated the help provided by the Department of Administration in resolving the issue, which was really a result of an inherent problem with the way the legislature funded the start up. Mr. Freebourn would recommend that in the future the Legislature designate a biennial appropriation for a new start up agency.

Chairman Taylor asked about the status of the legislative package submitted to the governor's office (e.g. the Recordings and Interrogations bill). Mr. Freebourn has had no word yet, and will report back in August.

#### *Collective Bargaining Process—Paula Stoll*

Paula Stoll is our representative in the collective bargaining process. She is the chief of the state office of labor relations, which represents all state agencies in collective bargaining matters. The office acts as the chief negotiators, and will represent us in administrative hearings, labor arbitrations etc. Ms. Stoll begins negotiations with AFSCME on our behalf August 4.

Ms. Stoll gave a brief history of the situation statewide prior to the launch of the state public defender system. Prior to July 1, Missoula County (Teamsters Local 2) and Yellowstone County (Teamsters Local 190) were the only offices that were organized. Ms. Stoll crafted language for SB 146 to ensure that the state would not be bound by the collective bargaining agreements that had been negotiated by county governments. The American Federation of State, County and Municipal Employees (AFSCME) petitioned for a statewide unit for all public defenders and research attorneys, while Teamsters Local 190 petitioned to represent Region 9 (Billings). AFSCME, Local 190 and the state stipulated to an election in early June for one statewide bargaining unit. Public defenders and research attorneys who were offered and had accepted employment as of June 2, 2006 were eligible to vote. A mail ballot election was conducted, and AFSCME was certified on July 10, garnering approximately 30 out of 38 votes. Ms. Stoll has made an initial contract proposal based on a template used throughout state government. The primary issues to be addressed during negotiations include hours of work, pay, and seniority.

Ms. Stoll will be bargaining on behalf of Chief Hood and the Public Defender Commission as the Governor's designee. She is obligated to negotiate within both our funding and statutory parameters, and the Commission and the central office staff can assist in ensuring that we remain within those parameters. Ms. Stoll invited two or three Commission members to participate in the negotiations, which will be held in Helena beginning at 10:00 a.m. on August 4. The agenda will include the initial proposal Ms. Stoll submitted, the pay issues, and setting a calendar for future negotiations. Chief Hood and Mr. Freebourn will distribute the preliminary proposal to the Commission members for their review.

#### *IT Report—Teri Heiland*

Ms. Heiland reported that Billings was cut over to the state system last weekend. All sites except Polson are working on some level with state email and connectivity.

Chairman Taylor asked about doing streaming video through the state network. Ms. Heiland said that the state IT department doesn't allow it on the network right now, but they are willing to work with us to find out exactly what our needs are and do what they can do meet them. Chairman Taylor requested that Ms. Heiland look at contracting for streaming video if we can't do it on the state network. Two-way video isn't required; the idea is just to provide on-demand training materials.

Chris Manos at the State Bar and James Cramer at the UM Law School were suggested as resources. The possibility of taking part in on-line streaming video CLE seminars offered on the State Bar website was also mentioned.

Chairman Taylor asked about using Word Perfect, which he finds preferable to Word because it has a metadata removal tool. Without this tool, all of the edits ever made in a document are available for anyone to see when the file is transmitted electronically. Ms. Heiland said we only have approval to use Word Perfect for manipulating and printing documents coming from the outside. Any documents created internally and any documents that are sent external to the state need to be created in Word. Microsoft has a similar tool available as an add-on, and its being included in all of the systems that are going out. Ms. Heiland hopes to have time to train users in the use of the tool soon.

Ms. Heiland discussed the status of the case management system. Billings, Helena and Bozeman are currently running Justware, (which is on a state license) and everyone should be up and running by mid-August. Old data repositories may not be brought forward until the final system is in place within the year, but they are searchable in their current format. The big case management project schedule is very aggressive, and will be contingent on available resources, both from central and regional offices. IT staff will need assistance from most functional areas for this implementation (defining business requirements, configuring system, testing and training). The SABHRS system is currently capturing the data required by statute, so we will be able to meet all of the legislative requirements.

Chief Hood noted that Ms. Heiland and her IT staff have gone the extra mile to get the offices up and running, and the Commission applauded them.

#### *GANT Chart (exhibit 4)*

Mr. Freebourn noted that people find this chart helpful in tracking our progress in a visual way. You can see that a lot of the tasks are starting to be completed, and comprehensive updates on many of these tasks are part of today's agenda.

Items to be added to the GANT chart include conflict procedures, and developing both practice standards and performance evaluation criteria as tasks for the commission, all of which are required by statute.

#### *Pro Bono Policy*

Chief Hood was asked to look at the pro bono policy for the attorney general's office. Unfortunately, the attorneys she spoke to were unaware that such a policy existed. Chief Hood will continue her efforts to obtain a copy of the policy.

#### *Contract Attorney Report—Larry Murphy*

Mr. Murphy has been doing some research on how conflicts are handled in other states. A majority of states use the judicial model, where the judiciary assigns the attorney. None of the models, including that one, will work for us, so Mr. Newcomer and Mr. Murphy are continuing to work on developing a model for Montana.

Mr. Murphy is making progress on an evaluation protocol for staff and contract attorneys, working with several samples that Commissioner Nardi provided. Both the standard and the accompanying policies and procedures will be considered on the August agenda.

Mr. Murphy discussed some of the practical problems that have come up in the billing process. A pre-approval of costs policy (exhibit 5) has been developed to help clarify some of the payment issues. The policy, which applies to both contract and conflict situations, is available on the website. The Regional Deputy or the conflicts coordinator is responsible for evaluating the proposed cost and discussing more cost-effective alternatives if appropriate. While fiscal responsibility is important, we don't want to put ourselves in the position of telling an attorney how to defend a case by denying a service. Commissioner Hensley is concerned about the unreliability of a paper trail and hopes we can develop a secure, confidential electronic approval system in the future. Chairman Taylor suggested that a flow chart would help people understand the pre-approval process described in paragraph four of the policy. He also suggested that maintaining a "preferred provider" list for various services (e.g. mental health professionals) would help the regional offices ensure that they and their contract attorneys are getting high quality services at a reasonable price.

A contract attorney list by region has been created and distributed. It will eventually include out-of-state attorneys who are licensed to practice in Montana, especially those willing to take cases in high-need Eastern Montana.

#### *Financial Update—Harry Freebourn*

Mr. Freebourn provided two handouts:

1) Actual Expenditures July 1 – June 30, 2006 (exhibit 6)

Mr. Freebourn explained that the need to bring on staff and to have a minimum amount of equipment ready prior to the July 1 launch were responsible for overspending legislative funding. The personal services overage was covered by the governor's office, and the operating overage was covered by shifting FY 07 funds to FY 06 through a legislative process. The 17.2 million budgeted for FY 07 will be somewhat itemized for presentation at the next meeting.

There was discussion regarding the costs associated with commission meetings, including the higher cost of holding meetings in outlying areas, the need to provide opportunity for public participation in various locations throughout state, and the costs and benefits of videoconferencing.

2) 2009 Biennium Process (exhibit 7)

Six items were submitted to the governor's office for the 2009 biennium budget. Items in the pending approval column are conditionally approved to go to the legislature. Item three, Costs Related to Fitness to Proceed, was adjusted by the governor's office and we have been asked to discuss this item with the budget director. Mr. Freebourn asked that Chairman Taylor or another commission member participate in the discussions. There is a pending request for fitness to proceed legislation from the Department of Public Health and Human Services that might shift some of those costs. Items five and six, The Serious Crime Unit and the Increase Attorney Fees, are also to be discussed with the budget director so that we can provide more information and hopefully get those items into the legislative process. Chairman Taylor agreed to attend a meeting with the governor's budget office.

#### *Native Court Worker—Kristina Neal*

Kristina Neal, Regional Deputy Public Defender in Great Falls, introduced Myrna Kuka, the native cultural officer hired by the Montana Department of Corrections through a one-year grant. Ms. Kuka is located in the Great Falls Regional Public Defender office. Her role is to improve communications with Native American clients, with the ultimate goal of reducing the number of Native American clients being incarcerated.

Ms. Kuka, a member of the Blackfeet tribe, was welcomed by the Commission. She will be working in Cascade, Glacier, Hill, Liberty, Phillips, Teton and Toole counties, and on the Blackfeet, Rocky Boy and Fort Belknap reservations. Ms. Kuka reports to Ms. Neal, Mr. Olson and Jim Mason (Department of Corrections). Only statistics will be reported to the Department of Corrections to protect client confidentiality.

#### *Administrative Rules Update—Chief Hood*

The proposed administrative rules (exhibit 8) were developed with the advice and guidance of Dal Smilie, an attorney from the Department of Administration, and an attorney from Legislative Services. The proposed rules are fairly general, as they advised. Chief Hood illustrated the difference between an administrative rule and the more detailed administrative policies and procedures (exhibit 9) using determination of indigence as an example. The definition rule relates both to statute and policy, even if the defined words don't appear elsewhere in the rules themselves.

Chairman Taylor suggested a revision regarding item five, confidentiality, in the determination of indigency rule. Item (5) will now read as follows: "All information collected on the forms shall be treated as confidential except when judicial review of the determination is requested. At that time the form shall be submitted to the court for an *in camera* inspection." Parallel language will be included in the policy as well. Minor clerical edits were also made to the definitions.

The office is asking for Commission approval at this meeting so that the actual rule making process can begin. The process requires extensive public comment and is expected to take several (up to six) months. The next step is to advance the proposed rules to the notice stage.

Commissioner Sherwood moved to advance the amended rules to the notice stage. Commissioner Donovan seconded. Motion carried.

#### **Chief Appellate Defender Report—Jim Wheelis**

Chief Wheelis gave a staff update. One attorney will be housed in the Bozeman office. Chief Wheelis has requested that the local offices file the notice of appeal and the motion for transcripts, and is asking for court documents from those offices as well. The number of post-conviction claims will be challenging with his limited staff, especially since at this point they have not done the appeals. He is asking for as much detail as possible in the petition so that the appellate office can choose the cases with the most merit. The Commission agreed with this approach.

Chairman Taylor asked how Chief Wheelis would feel about having the appellate office involved in monitoring conflict attorneys for performance under the standards? Chief Wheelis said this makes sense since so many cases will come through them for post-conviction relief. He is pleased to participate in whatever way the Commission sees fit.

#### **Conflict Coordinator Report—Kerry Newcomer (exhibit 10)**

Mr. Newcomer gave an overview of the development of the conflicts management system. He is working from a "paper-flow" point of view. How will the conflicts coordinator position integrate with and how will it be separate from the office of the public defender?

In terms of administrative function, areas that require oversight and exposure to case information need to be separated from the regional offices, e.g. approval of expenses. Mr. Newcomer is working with our financial manager, Sandra Law, to limit the availability of detailed information on the SABHRS system.



In developing a conflicts management system, many alternatives can be considered, including the possibility of handling conflicts in-house. The infrastructure to do it in-house is not yet in place, however (e.g. implementing a closed file policy, which would limit the number of potential conflicts). Maintaining confidentiality in cases with multiple conflicts, such as in dependent neglect cases or those with multiple co-defendants, is also a challenge in the system design process.

Mr. Newcomer said that at the end of his contract, we should have a better idea of how to modify the structure for the future. He is trying to address bottlenecks and to determine how much of his time is spent on administrative tasks that could be handled by a non-attorney.

Mr. Newcomer asked for direction from the Commission on three items:

- 1) Mr. Newcomer asked that the pre-authorization process for conflicts cases parallel the OPD process, with Mr. Newcomer having approval authority for tasks from \$200 up to \$2,000, as do the regional public defenders. He also asked that approval by the Commission for tasks exceeding \$2,000 occur by telephone and be documented by notation, rather than by obtaining written documentation from the Commission. Commissioner Hensley moved to approve the process Mr. Newcomer proposed. Commissioner Sherwood seconded. Motion carried.
- 2) The consultation path for the conflicts coordinator within the Commission is Commissioner Sherwood, Commissioner Hensley, Commissioner Kaercher, and finally Chairman Taylor.
- 3) Mr. Newcomer asked for an increased fee for attorneys who are assigned death penalty cases of \$120 per hour, which is the rate for next year under the standards. There was discussion regarding whether FTE attorneys should also be entitled to additional compensation for working on death penalty cases, and this may be discussed again at a later date. Commissioner Sherwood moved to pay \$120 per hour for any death penalty case that we've inherited or contracted out retroactive to July 1. Commissioner Fleming seconded. Motion carried unanimously.

Chairman Taylor asked Mr. Newcomer the same question he asked Chief Wheelis: In terms of costs/logistics, does it make sense to have the appellate defender's office involved in evaluating conflict attorneys for performance standards? Mr. Newcomer agreed that it was a logical approach.

There was discussion regarding the costs and logistics of using FTE from another region vs. using contract attorneys for conflict cases. The ability to cross regions using FTE varies around the state due to the availability of staff and prohibitive travel costs that can make using contract attorneys more cost effective. Mr. Newcomer pointed out that many things will shake out at the end of his contract period. Mr. Freebourn will arrange to have Mr. Newcomer's graphic reproduced for distribution.

#### **Senator Shockley's Letter (exhibit 11)**

Senator Shockley expressed concerns regarding several issues, including the qualifications of regional management staff and contracting for conflicts cases rather than using FTEs. He also proposed adding two legislators to the Public Defender Commission, one from the Appropriations Committee's Subcommittee on General Government, and one from the Senate Judiciary Committee.

The Commission members expressed a variety of opinions regarding Senator Shockley's concerns. Chairman Taylor will draft a response on behalf of the Commission with the assistance of Chief Hood. The Commission asked Chairman Taylor to address the ABA principle of independence (*ABA Ten Principles of a Public Defense Delivery System*) and to invite further dialog with Senator Shockley and the Law and Justice Committee.

**Election of Commission Officers – Action Item**

Chairman Taylor opened the nominations. Commissioner Donovan moved to nominate Chairman Taylor and Commissioner Nardi as Chair and Vice-Chair. Commissioner Hensley seconded. Motion carried unanimously.

**Public Comment**

There was none.

**Old Business/New Business***Establish caseload for Chief Hood*

By statute, the Commission establishes the caseload for the Chief Public Defender. Commissioner Nardi moved that Chief Hood's caseload be set at a minimum of five cases per year. Commissioner Kaercher seconded. Motion carried.

*Adopt sentence review standards*

Commissioner Nardi moved to adopt the sentence review standard. Commissioner Hensley seconded. Motion carried.

*Select Commissioners to serve on collective bargaining group*

Commissioners Kaercher, Hensley, Holton and Small will participate.

*Set next meeting dates*

August 31 in Helena, in conjunction with Law and Justice Interim Committee meeting  
October 12 and/or 13, in Helena, in conjunction with the Legislative Finance Committee meeting

*Agenda items for the next meeting*

- Draft of standards on policies and procedures for excess case loads
- Standards on performance criteria and performance evaluation protocols
- GANT chart update
- Meet with Law and Justice Interim Committee
- Report from Chief Hood regarding the Bozeman Citizens Advisory Council

It was suggested that offering a personal invitation to local judges to upcoming Commission meetings to be held in their communities would promote communication with the judiciary. Chief Hood will extend that invitation prior to the next meeting in Helena.

Commissioner Donovan will draft a standard relating to a new federal policy making it a crime if a sex offender fails to register.

**Adjourn**

The meeting adjourned at approximately 3:00 p.m.

Exhibits 1 – 11 have been posted with these minutes to the Office of the State Public Defender website at: <http://www.publicdefender.mt.gov/>